

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jermaine Andre Bland

Docket No. 2:05-CR-27-1H

Petition for Action on Supervised Release

COMES NOW Lakesha H. Wright, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jermaine Andre Bland, who, upon an earlier plea of guilty to Distribution of More Than 50 Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on June 5, 2006, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Jermaine Andre Bland was released from custody on January 7, 2016, at which time the term of supervised release commenced.

On February 11, 2019, a Petition for Action was submitted to the court advising that a urine specimen collected from the defendant on January 11, 2016, tested positive for cocaine use. In response to the violation, Bland was ordered to serve 2 days imprisonment, participate in the DROPS program, and obtain a substance abuse assessment. He completed the jail sanction on March 13, 2016. The defendant also underwent a substance abuse assessment at East Coast Counseling in Greenville, North Carolina, on April 18, 2016, and was not recommended for treatment.

On April 25, 2016, a Violation Report was submitted to the court advising that on April 4, 2016, Bland was arrested and charged with two counts of felony Assault by Strangulation (16CRS50148 and 16CRS50149), felony Breaking and Entering to Terrorize or Injure (16CRS50148), felony Larceny From the Person (16CRS50148), and Assault on a Female, Interfering With Emergency Communication, and Communicating Threats (16CR50146) in Chowan County, North Carolina. He was released on a \$23,000 secured bond. It was also noted that the alleged victim informed the probation officer that she no longer wanted to pursue the charges against the defendant. Bland was ultimately continued under supervision without modification until additional information was gathered and reviewed by the probation officer. On June 28, 2016, Bland was found not guilty of the charges noted in docket number 16CR50146, and the alleged victim was charged with frivolous prosecution. The remaining charges were dismissed by the court on February 1, 2018, following a trial.

On September 2, 2016, a DROPS Sanction Report was submitted to the court after a urine specimen collected from Bland on August 11, 2016, tested positive for cocaine use. As a result of the violation, the defendant was ordered to serve a 5-day DROPS sanction. He completed the sanction on October 2, 2016. Additionally, on December 9, 2016, Bland underwent a substance abuse assessment at Pathways Counseling Center in Elizabeth City, North Carolina. He subsequently completed the recommended substance abuse group sessions.

On August 1, 2017, a Motion for Revocation was filed advising that on May 25, 2017, after colliding with a sheriff deputy's patrol vehicle, Bland was charged with Driving While License Revoked Not Impaired Revocation and Possession of an Open Container of Alcohol (17CR700143), and Failure to Yield a Left Turn (17IF700146) in Chowan County. The court was also informed that on May 26, 2017, Bland admitted to the undersigned probation officer via text message and during a telephone call that he was operating the vehicle at the time of the accident. Furthermore, it was noted that the probation officer offered the defendant an opportunity to have the conditions of supervision modified to include location monitoring,

but he declined the offer and requested a hearing. On September 13, 2017, a Revocation Hearing was held at which time the court found that Bland violated the terms and conditions of the judgment as noted in the motion for revocation. The motion for revocation was ultimately denied and Bland's supervision was modified to include a curfew with electronic monitoring for a period of 30 days. The defendant completed the sanction on October 14, 2017. Note: On June 1, 2018, with regard to the charge of Possession of Alcohol (17CR700143), Bland pled responsible to the lesser offense of City/Town Violation and was ordered to pay court costs and a fine. The remaining charges were dismissed.

On September 19, 2017, a DROPS Sanction Report was submitted to the court after a urine specimen collected from Bland on September 13, 2017, tested positive for cocaine use. As a result of the violation, the defendant was ordered to serve a 10-day DROPS sanction. He completed the sanction on October 29, 2017. Additionally, on September 21, 2017, the defendant was referred back to Pathways Counseling Center in Elizabeth City for substance abuse treatment. He completed the recommended treatment on November 7, 2017.

On December 13, 2017, a Motion for Revocation was filed advising that on December 1, 2017, Bland was charged with Driving While License Revoked Not Impaired Revocation (17CR298) in Chowan County. The court was also informed that Bland failed to report his contact with law enforcement to the probation officer within 72 hours and that he refused to discuss his case with the probation officer. On February 6, 2018, a Revocation Hearing was held at which time the court found that the defendant violated the terms and conditions of the judgment as noted in the motion for revocation. The motion for revocation was ultimately denied and Bland was continued under supervision without modification. Note: The charge was ultimately dismissed in Chowan County District Court on May 15, 2018.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 10, 2019, a urine specimen collected from Bland on May 3, 2019, was determined by the national laboratory to be positive for marijuana use. On May 17, 2019, when confronted with the result, the defendant stated that unbeknownst to him, on April 27, 2019, he consumed a cookie containing marijuana while attending a graduation party. Bland also provided a written statement regarding his drug use. In response to the violation and in lieu of a DROPS sanction, it is respectfully recommended that the defendant be allowed to undergo a substance abuse reassessment at Pathways Counseling Center in Elizabeth City to address his drug use. It is also recommended that the DROPS condition be removed inasmuch as it is no longer used in this district.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The DROPS condition shall be removed.

Except as herein modified, the judgment shall remain in full force and effect.

Jermaine Andre Bland
Docket No. 2:05-CR-27-1H
Petition For Action
Page 3

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Lakesha H. Wright
Lakesha H. Wright
U.S. Probation Officer
306 East Main Street, Room 306
Elizabeth City, NC 27909-7909
Phone: 252-335-5508
Executed On: May 23, 2019

ORDER OF THE COURT

Considered and ordered this 29th day of May, 2019, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge